

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:	)	Group Art Unit: 1794
	)	
ABRAMS, Louis Brown	)	Confirmation No.: 6362
	)	
Serial No.: 10/670,091	)	Examiner: JUSKA, CHERYL ANN
	)	
Filed: 09-23-2003	)	<u>REQUEST FOR CONSIDERATION OF</u>
	)	<u>INFORMATION DISCLOSURE STATEMENT</u>
Atty. File No.: 4811-9-CON	)	<u>FILED OCTOBER 14, 2005</u>
	)	
For: "FLOCKED TRANSFER AND	)	Electronically Submitted
ARTICLE OF MANUFACTURING	)	
INCLUDING THE FLOCKED	)	
TRANSFER"	)	

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On October 14, 2005, Applicant submitted an Information Disclosure Statement in the above-identified patent application. The Information Disclosure Statement was submitted after a first Official Action, with the required certification as specified in 37 CFR 1.97(e)(2). The Information Disclosure Statement, including a copy of the reference cited therein, is attached hereto as Exhibit A.

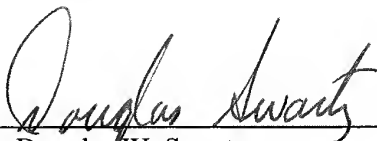
Upon recent review of the file for the above-identified case, Applicant has discovered this Information Disclosure Statement has not been considered by the Examiner.

Applicant hereby respectfully requests that the Information Disclosure Statement of October 14, 2005, be considered by the Examiner.

Although no fees are believed due in connection with this communication, please charge any fees deemed necessary to Deposit Account No. 19-1970. If additional information is required please contact the undersigned.

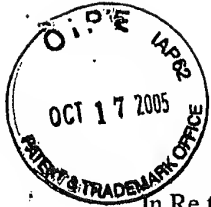
Respectfully submitted,

SHERIDAN ROSS P.C.

By:   
Douglas W. Swartz  
Registration No. 37,739  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: March 17, 2008

# EXHIBIT A



Tfw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

ABRAMS, Louis Brown

Serial No.: 10/670,091

Filed: September 23, 2003

Atty. File No.: 4811-9-CON

For: "FLOCKED TRANSFER AND  
ARTICLE OF MANUFACTURE  
INCLUDING THE FLOCKED  
TRANSFER"

) Group Art Unit: 1772

) Examiner:

) SUPPLEMENTAL INFORMATION

) DISCLOSURE STATEMENT

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>10-17-05</u></p> <p style="text-align: center;">SHERIDAN ROSS P.C.</p> <p>BY: <u>Darcie Kurtak</u> Darcie Kurtak</p>
---

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.
- ☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- ☐ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waivers dated July 11, 2003 and October 19, 2004, whereby patent applications filed, regardless of the filing date, need not submit copies of U.S. patents and U.S. patent application publications.
- ☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.
- ☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants

do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

☒ Other: Attached hereto is a copy of an Office Action Summary dated October 7, 2005 for U.S. Patent Application No. 09/621,830, filed July 24, 2000 (Attorney Ref. No. 4811-9), which is related to the above-identified patent application.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

#### FEES

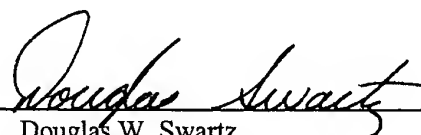
<input type="checkbox"/>	<p><b>37 CFR 1.97(b):</b> No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or</li><li><input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or</li><li><input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or</li><li><input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114.</li></ul> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input checked="" type="checkbox"/>	<p><b>37 CFR 1.97(c):</b> The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"><li>(1) a final action under 37 C.F.R. 1.113 or</li><li>(2) a notice of allowance under 37 C.F.R. 1.311, or</li><li>(3) an action that otherwise closes prosecution in the application.</li></ul> <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</li></ul> <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.</li></ul>

<input type="checkbox"/>	<p><b>37 CFR 1.97(d):</b> This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <p><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) AND</p> <p><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>
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<p><b>Certification (37 C.F.R. 1.97(e))</b> (Applicable only if checked)</p>
<p><input checked="" type="checkbox"/> The undersigned certifies that:</p> <p style="margin-left: 40px;"><input type="checkbox"/> Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).</p> <p style="margin-left: 80px;"><input type="checkbox"/> A copy of the communication from the foreign patent office is enclosed.</p> <p style="text-align: center;">OR</p> <p><input checked="" type="checkbox"/> No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).</p>

Respectfully submitted,

SHERIDAN ROSS P.C.

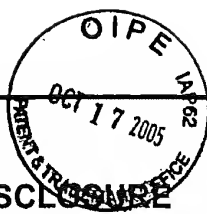
By:   
 Douglas W. Swartz  
 Registration No. 37,739  
 1560 Broadway, Suite 1200  
 Denver, Colorado 80202-5141  
 (303) 863-9700

Date: Oct. 14, 2005

J:\4811\9\con\IDS-08 (10-05).wpd

Substitute for form 1449A/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**



## **Complete if Known**

Application Number	10/670,091
Filing Date	September 23, 2003
First Named Inventor	ABRAMS, Louis Brown
Art Unit	1772
Examiner Name	
Attorney Docket Number	4811-9-CON

Sheet 1 of 1

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
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## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> ; Number <sup>4</sup> ; Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		PCT -				
		-				
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		-				
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		-				
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		-				

## **OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)**

Examiner Initials*	Cite No. <sup>1</sup>	
	1.	First Office Action dated October 7, 2005 for U.S. Patent Application No. 09/621,830 (Attorney Reference No. 4811-9).

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,830	07/24/2000	Louis Brown Abrams	D.N.7167	6580

7590 10/07/2005

Sheridan Ross PC  
1560 Broadway  
Suite 1200  
Denver, CO 80202-5141

EXAMINER

JUSKA, CHERYL ANN

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/621,830	ABRAMS, LOUIS BROWN	
	Examiner	Art Unit	
	Cheryl Juska	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 18-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 18-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/03 - 05/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on November 26, 2003, has been entered.

### ***Response to Amendment***

2. Applicant's amendments filed November 26, 2003, February 9, 2004, and April 16, 2004, have been entered. Claims 5-17 are cancelled and new claims 47-53. Thus, the currently pending claims are 1-4 and 18-53.

3. With applicant's filing of an RCE, the case was petitioned to be withdrawn from issue. Said petition was granted on December 2, 2003. Thus, prosecution is reopened and the previously indicated allowable subject matter is hereby withdrawn in view of the following new rejections.

### ***Specification***

4. The amendment filed January 8, 2003, is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. Specifically, the sentence added at the end of the paragraph on page 6, line 10, is considered new matter: "As shown in FIG. 3, a fringe material 50 can be applied to peripheral edges of the flocked release sheet 1 or substrate 15 during this manufacturing process." First, it is noted that the drawings as originally filed do not identify "fringe material 50." Secondly, the specification as originally filed never discusses any fringe material. Thirdly, it is not clear from FIG. 3 or the amended FIG 3 (filed February 25, 2003) that the item identified as "50" is indeed a "fringe material." While FIG. 3 *may* show a "fringe material," without any recitation in the specification to fringe, FIG. 3 can also be interpreted as an exaggerated view of the edges of flocked surface of the transfer 1. As such, the amendment to the specification reciting a "fringe material" is considered new matter. Fourthly, even if it is conceded that FIG. 3 as originally filed is sufficient support for "fringe material 50," the specification lacks support for the embodiment that said fringe material is applied to the peripheral edges of substrate 15. Therefore, said amendment to the specification is considered new matter. Applicant is required to cancel the new matter in the reply to this Office Action.

5. The amendment filed February 9, 2004, is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. Specifically, said amendment is drawn to two separate embodiments for the permanent adhesive, one being a hot melt adhesive (i.e., thermoplastic) and the other being a thermosetting adhesive. While the specification as originally filed employed the term "hot melt film" or "hot melt sheet," these recitations are not sufficient support for a disclosure to a thermoplastic hot melt adhesive, since said terms were employed throughout the specification to describe a thermosetting adhesive. Note applicant's

discussion of prior art flock transfers at page 2, 2<sup>nd</sup> paragraph of *Background of the Invention* and page 4-5, 2<sup>nd</sup> paragraph of *Detailed Description of the Invention*. Throughout the discussion of the prior art flock transfers, the term “hot melt adhesive” is employed to describe the permanent adhesive layer. As applicant correctly notes in the Remarks section of the Amendment filed February 9, 2004, the definition of a “hot melt adhesive” is limited to thermoplastic materials. Now note applicant’s discussion of the present invention at page 3, 2<sup>nd</sup> paragraph of *Brief Summary of the Invention* and page 5, 1<sup>st</sup> paragraph – page 7, 2<sup>nd</sup> paragraph. Throughout this discussion, applicant employs the terms “hot melt film” or “hot melt sheet,” not “hot melt adhesive.” Additionally, said “hot melt film” and “hot melt sheet” are taught as thermosetting adhesives. Hence, it is understood that said film or sheet is a preformed thermosetting adhesive that is subjected to heat to activate (i.e., hot melt film or sheet). Furthermore, note applicant’s discussion of the difference between the prior art and the present invention at page 7, last paragraph. This discussion consistently employs the term “hot melt adhesive” for describing the prior art while stating that that one aspect of the present invention is the absence of said “hot melt adhesive.” Hence, applicant’s invention is based upon the substitution of a thermosetting adhesive for the prior art combination of a binder adhesive and a thermoplastic hot melt adhesive (page 3, 1<sup>st</sup> paragraph, page 5, lines 12-14, and page 7, last paragraph). Therefore, applicant’s amendment, which changes the scope of the specification to describe two embodiments wherein either a thermoplastic adhesive or a thermosetting adhesive is employed as the permanent adhesive, is considered new matter. Further support for this assertion can be found in applicant’s own filing of a continuation-in-part application (09/735,721), which states the following:

[0005] In my co-pending application, I have described the usage of a thermoset film in lieu of the bond and powder for adhesion, which film, when subject to heat, adheres to

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the substrate, functions as an inference for the flock. This current invention adds further enhancements to this process, by allowing the application and usage of a thermoplastic film, for adherence of the flock transfer.

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Drawings*

6. The drawing of FIG. 3, filed February 25, 2003, is not accepted by the Examiner in that the amended drawing contains new matter as discussed above.

### *Double Patenting*

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-4 and 18-53 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 and 29 of copending Application No. 10/670,091 (US 2004/0058120). Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of the claims overlap.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Objections***

9. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 24 is objected to for being dependent upon claim 27. Since claim 26, from which claim 27 depends, already limits the thermosetting adhesive to being in the form of a film prior to contact with the free surface of the flock, the recitation of claim 24, wherein the thermosetting film is preformed before application to the flock and substrate, is not further limiting.

### ***Claim Rejections - 35 USC § 112***

10. Claims 40, 42, 44, and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

11. Claim 40 contains new matter in that the phrase "comprising a fringe material extending outwardly from peripheral edges of the substrate" is not supported by the specification as originally filed. Claim 42 is similarly rejected.

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12. Claims 44 and 46 contain new matter because the specification does not clearly support the limitation that "at least most" of an adjacent surface of the transfer is in direct physical contact with the thermosetting film.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claim 1 is indefinite because the location of the thermosetting film is unclear with respect to the flock transfer structure. Is said thermosetting film adjacent to the free ends of the flock or is it located on an opposite surface? Claim 18 is similarly rejected.

### *Claim Rejections - 35 USC § 103*

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-4, 18-39, 41, and 43-53 are rejected under 35 USC 103(a) as being unpatentable over US 4,687,527 issued to Higashiguchi in view of US 4,810,549 issued to Abrams et al.

Higashiguchi discloses a method of making flock patterns and the flock transfers employed (abstract). Specifically, Higashiguchi teaches paper release sheet 20 which is solidly flocked with fibers 18. As is conventional in the art, said flock is adhered to the paper release

sheet by an adhesive having weaker adhesion than the permanent adhesive that bonds the flock to a final substrate (col. 1, lines 24-26). The free ends of the flock are adhered to a permanent adhesive 16 coated onto a fabric surface 12 in a desired pattern (col. 5, lines 2-17). Said adhesive 16 is a thermosetting adhesive (col. 4, lines 19-35 and 44-52 and col. 5, lines 39-42). Said thermosetting adhesive may be a polyurethane resin (col. 4, lines 53-59).

Thus, Higashiguchi teaches the invention of claims 1-4, 18-20, 22, 23, 43, and 48 with the exception that the flock is arranged on the release sheet in a desired pattern. While Higashiguchi employs a solidly flocked transfer sheet and patterns the permanent adhesive to create the flock pattern, it would have been readily obvious to one of ordinary skill in the art to reverse the process. For example, an alternative method of producing a flock transfer is well known in that. Said method includes producing the design in the flock transfer sheet, rather than in the permanent adhesive as taught by Higashiguchi. Note Abrams, col. 2, lines 34-43. Thus, it would have been obvious to one of ordinary skill in the art to create the flock pattern on the transfer sheet rather than with the patterned permanent adhesive taught by Higashiguchi. Such a modification would enable less flock waste on the flock transfer. Therefore, claims 1-4, 18-20, 22, 23, 43, and 48 are rejected.

Regarding claims 24, 26-33, 35, 36, 38, 45, 46, 47, 49, and 50, which limit the thermosetting adhesive to be in a solid film form before application to the free end of the flock, said claims are also obvious over the cited prior art. Said limitations reflect the method of making the flock transfer assembly. As such, said limitations are not necessarily given patentable weight at this time since the claims are examined on the structure of the final product claimed. It is believed that the final product of the prior art has the same structural features of



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the present invention as described in the preceding paragraph. Therefore, claims 24, 26-33, 35, 36, 38, 45, 46, 47, 49 and 50 are also rejected.

Claims 21 and 37 are similarly rejected in that the method step of pre-cutting the adhesive sheet is not necessarily given patentable weight at this time.

Regarding claims 25 and 34, before the thermosetting adhesive is fully cured, said adhesive is not fully cross-linked. Thus, during manufacture at the point of contact between the adhesive and the flock before being cured, the claim limitation is met by the prior art.

With respect to claims 44 and 46, it is argued that the limitation that at least most of the surface of the transfer is in direct contact with the thermosetting adhesive is met by the fact that the amount of surface contact is dependent upon the desired pattern. As such, it would have been readily obvious to one skilled in the art to maximize the surface contact in order to produce less waste of the flock transfer. Therefore, claims 44 and 46 are also rejected.

Regarding claims 39, 41, and 51-53, while the cited prior art fails to teach a rubber substrate or a polyester thermosetting adhesive, it would have been obvious to one of ordinary skill in the art to substitute a rubber substrate for the fabric substrate or a polyester thermosetting resin for the polyurethane thermosetting resin since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416. Therefore, claims 39, 41, and 51-53 are also rejected.

18. Claims 40 and 42 are rejected under 35 USC 103(a) as being unpatentable over the cited Higashiguchi and Abrams references and in further view of "*When is a mouse pad really a rug?*" by R. Landwehr.

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While Higashiguchi and Abrams fail to explicitly teach the use of fringe on the edge of the flock transfer, said fringe is known in the art of flocked articles. For example, the Landwehr article teaches a flocked mouse pad having a design of an oriental rug, including having fringed edges. Therefore, it would have been obvious to one skilled in the art to employ fringe edges for decorative purposes. Thus, claims 40 and 42 are rejected as being obvious over the cited prior art.

*Conclusion*

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cj  
October 1, 2005

  
CHERYL A. JUSKA  
PRIMARY EXAMINER



SHEET 1 OF 1

FORM PTO-1449 DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4811-9	SERIAL NO. 09/621,830
	APPLICANT ABRAMS	
	FILING DATE July 24, 2000	GROUP ART 1771

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
2/	AA	FR 2784619	04/21/00	France				
3/	AB	EP 989227	03/29/00	Europa (Abstract Only)				
4/	AC	WO 94/19530	09/01/94	PCT (Abstract Only)				

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


EXAMINER	DATE CONSIDERED 9-28-05
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Substitute for form 1448A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Complete if Known</b>	
		Application Number	09/621,830
		Filing Date	July 24, 2000
		First Named Inventor	ABRAMS, Louis Brown
		Art Unit	1771
Examiner Name	Singh, Arti R.		
Sheet	1	of	1
		Attorney Docket Number	4811-9

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.†	Document Number Number-Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
[Signature]	1.	US-3,622,434	11-23-1971	Newman	
	2.	US-3,903,331	09-02-1975	Klein	
	3.	US-4,088,708	05-09-1978	Rlew	
	4.	US-4,284,841	10-13-1981	Read et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.†	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	†*
		Country Code‡	Number; Kind Code* (if known)				
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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No.†	
[Signature]	5.	Office Action Summary dated April 22, 2005 for U.S. Patent Application Serial No. 10/455,541.

Examiner Signature	[Signature]	Date Considered	9-28-05
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\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<b>Complete if Known</b>		
				Application Number	09/621,830	
				Filing Date	July 24, 2000	
				First Named Inventor	ABRAMS, Louis Brown	
				Art Unit	1771	
Examiner Name	Singh, Anil R. <i>JVS/BA</i>					
Attorney Docket Number	4811-9					
Sheet	1	of	1			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> , Number <sup>3</sup> , Kind Code <sup>4</sup> (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T*
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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
Examiner Initials*	Cite No. <sup>1</sup>	
<i>CS</i>	1.	Office Action Summary dated April 28, 2005 for U.S. Patent Application Serial No. 10/455,575, 14 pages.

Examiner Signature	<i>[Signature]</i>	Date Considered	9.28.05
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\*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.





SHEET 1 OF 1

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	APPLICANT ABRAMS	
	FILING DATE July 24, 2000	GROUP ART 1771

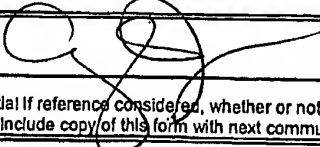
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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
4	5,804,007	09/08/1998	Asano	156	72	
8	5,534,099	07/09/1996	Yamamoto	156	230	
8	5,922,436	7/13/1999	Banfield et al.	428	100	

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	AA							
	AB							
	AC							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
<i>CS</i>	AA	5,026,591	06/25/1991	Henn et al.	428	198	

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


EXAMINER <i>CS</i>	DATE CONSIDERED <i>9.28.05</i>
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SHEET 1 OF 2

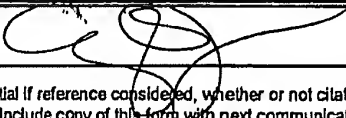
FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4811-9	SERIAL NO. 09/621,830
	APPLICANT ABRAMS, Louis Brown	
	FILING DATE July 24, 2000	GROUP ART 1771

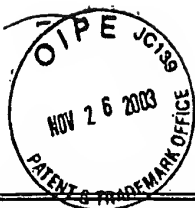
## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
CS	1	3,529,986	09/22/70	G. Kappas et al.	117	17	
	2	4,120,713	10/17/78	Jensen et al.	156	72	
	3	5,026,891	06/25/91	Henn et al.	428	198	
	4	6,249,297	06/19/01	Lion	347	171	

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K	5	757,595	04/25/67	Canada				
	6	EP 0 685 014	05/21/97	EPO	D06Q	1/14		
	7	EP 0 351 078	06/23/89	EPO	D06Q	1/14		
	8	55104	04/06/84	Ireland	D06Q	1/00		
	9	1 466 271	03/02/77	Great Britain	B32B	5/08		
	10	JP 5862027	04/13/83	Japan				
	11	JP 56108565	01/30/80	Japan	B05D	1/16		
S	12	WO 90/09289	08/23/90	PCT	B44C	3/02		

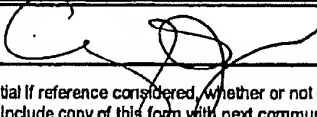
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SHEET 2 OF 2

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 4811-9	SERIAL NO. 09/621,830
	INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	
	APPLICANT ABRAMS, Louis Brown	
FILING DATE July 24, 2000		GROUP ART 1771

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

5	13	Lextra® MouseRug®; "About the Product" (Jan. 27, 1999), <a href="http://www.mouserug.com/mouserug/aboutmouserugs.html">http://www.mouserug.com/mouserug/aboutmouserugs.html</a> , 2 pages.
6	14	Lextra® MouseRug®; "MouseRug Components" (Jan. 27, 1999), <a href="http://www.mouserug.com/mouserug/mousecomp.html">http://www.mouserug.com/mouserug/mousecomp.html</a> , 1 page.
7	15	Lextra® MouseRug®; "Dimensions" (Jan. 27, 1999), <a href="http://www.mouserug.com/mouserug/dimensions.html">http://www.mouserug.com/mouserug/dimensions.html</a> , 1 page.
8	16	Bostik USA; "Industrial Adhesives" (2001), 3 pages.
9	17	Brown Abrams, "Flocking A Touch of Velour" <u>ScreenPrinting</u> (Apr. 1987).
10	18	Brown Abrams, "Part II: Flocking" <u>ScreenPrinting</u> (Jun. 1987).

EXAMINER 	DATE CONSIDERED 9-28-05
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C ↑         ↓ C	AA	09/735,721		Abrams			12/13/00
	AB	10/455,541		Abrams			06/04/03
	AC	10/670,091		Abrams			09/23/03
	AD	10/455,575		Abrams			06/04/03
	AE	09/629,746		Abrams			07/31/00
	AF	10/394,357		Abrams			03/21/03
	AG	10/265,206		Abrams			10/04/02
	AH	10/613,981		Abrams			07/03/03
	AI	10/614,340		Abrams			07/03/03
	AJ	10/613,982		Abrams			07/03/03
	AK	10/614,399		Abrams			07/03/03

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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
4	AL	JP 56141877 A2	11/05/81	Japan	B05D	1/14		

EXAMINER 	DATE CONSIDERED 7-28-05
*EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE 	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4811-9	SERIAL NO. 09/621,830
	APPLICANT ABRAMS, Louis Brown		
	FILING DATE July 24, 2000	GROUP ART 1771	

## U.S. PATENT DOCUMENTS

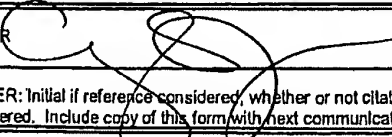
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.

## FOREIGN PATENT DOCUMENTS

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							YES	NO
5	AA	JP 35862027A	04/13/83	Japan	B29D	27/04	X	
5	AB	JP 56108565A	01/30/80	Japan (Abstract Attached)	B05D	1/16		X

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

5	AC	Declaration of L. Brown Abrams under 37 CFR § 1.98 for Serial No. 09/621,830 dated January 16, 2004, 2 pages. →

EXAMINER 	DATE CONSIDERED 9-28-05
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SHEET 1 OF 1

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## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	AA	5,041,104	8/20/91	SEAL	A61F	13/15	
	AB						
	AC						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	AD							
	AE							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	AF	
	AG	
	AH	

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